

REMARKS

Claims 25 through 36 were earlier withdrawn by an October 10, 2005 response to restriction requirement. In the present response, claims 4, 16, 18 and 37 have been amended, while claims 2 and 9 have been cancelled. In addition, the second instance of claim 43 has been cancelled and identically introduced as new claim 44, and the second instance of claim 40 has been cancelled and identically introduced as new claim 45. Support for the present amendments can be found in the original claims, as well as the description of the linked mode of operation discussed at page 4, lines 23 through 30 in conjunction with FIG. 3A, page 8, lines 7 through 9 and 15 through 17, page 10, lines 29 through 31 and page 11, lines 1 through 5. The following remarks are pertinent to the rejections.

Claims 2 through 7, 9, 10, 13, 16 through 24 and 37 through 43' (the last being the Examiner's designation of the second instance of claim 43) were rejected under 35 USC 102(b) as being anticipated by US Patent 4,807,131 to Clegg (hereinafter the '131 patent). To anticipate a claim, a single reference must disclose each and every positively recited limitation. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990). As described at page 8 of the original specification, a linked mode is that in which the detectors are responsively linked such that they respond in unison with one another. The linked mode further includes displaying on a single blade elevation number rather than a multiplicity of elevation numbers, as described at page 4, lines 23 through 30 and shown in FIG. 3A as elevation **6091**. It is further described as having a portion of the blade that corresponds to a particular location as sensed by the detectors. Furthermore, as described in the first paragraph of page 11, in a linked mode, the position of the detectors relative to the blade are kept constant. In this way, a single command (either manual or automated) keeps the relative position of the detectors constant during such elevation change, and furthermore allows the user so readily ascertain such position by reviewing a single displayed value of such position. Thus, in a linked mode, when an offset needs to be applied, only a single offset entry is needed rather than having to input two separate offsets.

In this way, the sensor (i.e., detector) position can be easily controlled, as both sensors move in unison during the claimed linked mode. It is important to note that linked mode deals with the relative position and movement of the sensors, not the cutting blade. In fact, control of the cutting blade position is a mere side effect in the linked mode of operation. Independent claims 4, 16, 18 and 37 have been amended to more clearly recite the cooperative nature of the detectors, blade or related machine tool, controller and display during a linked mode of operation.

There is nothing in the '131 patent to either teach nor suggest the amended features, for while the '131 patent discusses automated control of a grading system cutting blade using one or more detectors to provide information relating to blade position, it is silent as to the claimed linked mode of operation with an output configured to display a single elevation number for the blade or other system component. For example, column 15, lines 53 through 63 clearly indicates that the display **130a** (shown in FIG. 2 of the '131 patent) depicts two elevation levels **132** and **134**, corresponding respectively to a target blade elevation and an actual blade elevation. This difference is significant, as the originally-stated purpose of the device of the present application (as indicated in the first paragraph of page 1 of the original specification) is that it "reduces the complexity of the user interface for controlling blade position in earth-grading machinery." The presently amended claims' inclusion of features that facilitate a "single elevation value" (claims 4 and 16) or a "single blade elevation value" (claims 18 and 37) are clearly consistent with that intent, and equally clearly distinguish over the '131 patent, which does not teach an element corresponding to this limitation. This lack of such a teaching means that the '131 patent can no longer be relied upon as a basis for anticipatory rejection of the independent claims. Since the dependent claims place additional limitations upon claims 4, 16, 18 and 37, they too are not anticipated by the teachings of the '131 patent.

CONCLUSION

For the above reasons, the Applicant respectfully submits that the application and all claims in it are now in condition for allowance. The Examiner is encouraged to contact the

undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
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